

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE ZAVALA,

Plaintiffs,

-against-

JT RESTAURANT CORP. d/b/a ANGELINA'S
PIZZERIA & RESTAURANT, GIUSEPPE
MAGNOTTA, and VINNE DOE,

Defendants.
-----X

Docket No.: 18-CV-01530
(ADS)(ARL)

**AFFIRMATION IN SUPPORT
OF MOTION TO BE RELIEVED
AS LEGAL COUNSEL**

DAVID S. FEATHER, an attorney duly licensed to practice before this Court, affirms the following under penalty of perjury:

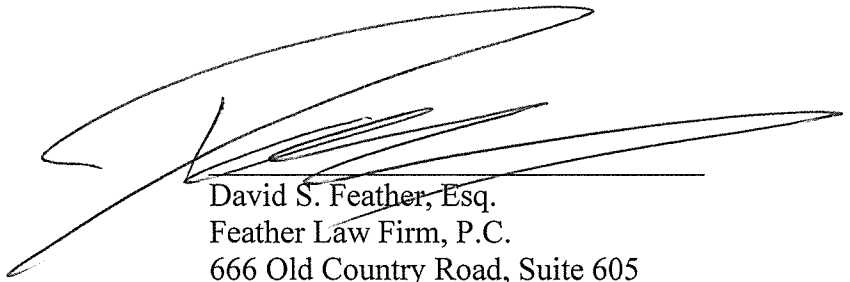
1. I am the sole member of Feather Law Firm, P.C., and as such I am fully familiar with the facts and circumstances of this case.
2. This Affirmation is respectfully submitted in support of the within motion for an Order relieving Feather Law Firm, P.C. and me as counsel for the Defendants herein, JT Restaurant Corp. d/b/a Angelina's Pizzeria & Restaurant, Giuseppe Magnotta and Vincent Sorrentino pursuant to Local Civil Rule 1.4.
3. Feather Law Firm, P.C. seeks to withdraw as legal counsel due to the Defendants' failure to cooperate with me and my law firm. This has made my representation of them unreasonably difficult, if not impossible, to carry out effectively. See N.Y. Rules of Professional Conduct 1.16(c)(7).
4. As the Court is aware, the parties settled this matter in late April 2019. The parties submitted the Agreement to the Court for its review, and the Agreement was approved by the Court on August 9, 2019 (Dkt. No. 24).

5. This Agreement resolved all of Plaintiff's claims against Defendants for the settlement amount of Sixty Thousand Dollars (\$60,000.00) (the "Settlement Amount"), to be made over eleven (11) payments.
6. While the Defendants have paid the sum of \$25,000.00 pursuant to the Agreement, they have not paid the settlement monies which were due on September 15, 2019 and October 15, 2019.
7. More germane to this motion, however, is the Defendants' failure to cooperate, and even communicate, with the undersigned. Despite number telephone calls and e-mails to the Defendants over the past few weeks, they have not contacted me to discuss this matter, and in particular their obligations under the Settlement Agreement.
8. In addition, they have failed to follow my legal advice as it pertains to said Agreement.
9. Indeed, I e-mailed both individual Defendants on Wednesday, October 16, 2019. In that e-mail, I forwarded the Plaintiff's Motion to Enforce Settlement Agreement (Dkt. No.25 and 26), and asked them to contact me immediately. To date, I haven't heard from either individual Defendant.
10. The Defendants have also failed to pay my firm's September 6, 2019 and October 4, 2019 invoices, and currently owe my law firm the sum of \$1,225.62.
11. Although my law firm is owed monies as and for attorneys' fees from the Defendants, the undersigned is not seeking a restraining or charging lien in this matter.

12. Under the terms of my Retainer Agreement with the Defendants, which is annexed hereto as Exhibit A, the Defendants agreed to cooperate with my law firm in this matter, and their failure to do so, as well as their failure to pay their invoices in a timely fashion, is grounds for my firm to move to withdraw as their legal counsel. Please see Sections “7”, “13” and “14” of the Retainer Agreement (Exhibit “A”).
13. I have informed Messrs. Magnotta and Sorrentino via e-mail of my intention to make this motion, and they are being served with a copy of this motion contemporaneously with this filing via both e-mail and regular mail.
14. I am also serving Pechman Law Group PLLC, attorneys for the Plaintiff, with a copy of this motion, also via both e-mail and regular mail.

WHEREFORE, it is respectfully requested that an Order be issued granting the application of Feather Law Firm, P.C. and David S. Feather, Esq. to withdraw as counsel for Defendants JT Restaurant Corp. d/b/a Angelina’s Pizzeria & Restaurant, Giuseppe Magnotta and Vincent Sorrentino, together with such other and further relief is deemed just and proper.

Dated: October 21, 2019
Garden City, New York



David S. Feather, Esq.
Feather Law Firm, P.C.
666 Old Country Road, Suite 605
Garden City, New York 11530
(516) 745-9000

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STATE OF NEW YORK)

) ss.:

COUNTY OF NASSAU)

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AFFIRMATION OF SERVICE

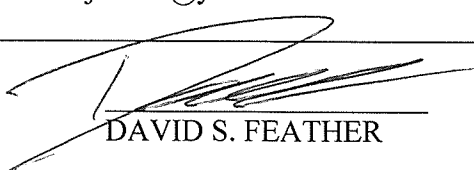
David S. Feather, being duly sworn, deposes and says:

I am not a party to the foregoing action, am over the age of 18 years, with a business address of 666 Old Country Road, Suite 605 in Garden City, New York. On October 21, 2019, I served the within document:

AFFIRMATION IN SUPPORT OF MOTION TO BE RELIEVED AS LEGAL COUNSEL

By regular mail in a sealed envelope and by e-mail, addressed to the following person or persons at the addresses set forth:

PECHMAN LAW GROUP PLLC Attorneys for Plaintiffs 488 Madison Avenue – 17 th Floor New York, New York 10022 pechman@pechmanlaw.com	Giuseppe Magnotta c/o JT Restaurant Corp. d/b/a Angelina's Pizzeria 33 Atlantic Avenue Lynbrook, New York 11563 jmag72@gmail.com
JT Restaurant Corp. d/b/a Angelina's Pizzeria 33 Atlantic Avenue Lynbrook, New York 11563 jmag72@gmail.com	Vincent Sorrentino c/o JT Restaurant Corp. d/b/a Angelina's Pizzeria 33 Atlantic Avenue Lynbrook, New York 11563 vjs5656@yahoo.com


DAVID S. FEATHER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DOCKET NO. 17 CV 01530

JOSE ZAVALA,

Plaintiff,

-against-

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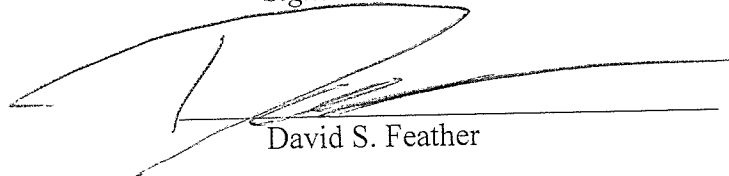
AFFIRMATION IN SUPPORT OF MOTION TO BE RELIEVED AS LEGAL COUNSEL

Feather Law Firm, P.C.
Attorneys for Defendants
666 Old Country Road, Suite 605
Garden City, New York 11530
(516) 745-9000
fax (516) 908-3930

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: October 21, 2019

Signature



David S. Feather